



California Regional Water Quality Control Board

Los Angeles Region

Winston H. Hickox
Secretary for
Environmental
Protection

Over 50 Years Serving Coastal Los Angeles and Ventura Counties
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Gray Davis
Governor

June 27, 2002

VIA FACSIMILE (916) 341-5199

Alex P. Mayer, Esq.
Staff Counsel
Office of Chief Counsel
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

Dear Mr. Mayer:

PETITIONS OF WESTERN STATES PETROLEUM ASSOCIATION (AMENDMENT REVISING PROVISION C.3 OF WASTE DISCHARGE REQUIREMENTS ORDER NO. 01-024 FOR SANTA CLARA VALLEY URBAN RUNOFF POLLUTION PREVENTION PROGRAM), SAN FRANCISCO BAY REGION AND WESTERN STATES PETROLEUM ASSOCIATION (WASTE DISCHARGE REQUIREMENTS ORDER NO. 01-182 FOR MUNICIPAL STORM WATER AND URBAN RUNOFF DISCHARGES [NPDES NO. CAS004001] WITHIN LOS ANGELES COUNTY, EXCEPT FOR LONG BEACH), LOS ANGELES REGION: WORKSHOP SUBMITTAL
SWRCB/OCC FILES A-1430(b) AND A-1448(f)

The California Regional Water Quality Control Board, Los Angeles Region (LA Water Board) is pleased to submit the following comments in advance of the State Water Resources Control Board's (State Board) July 2, 2002 workshop. Previously, the LA Water Board submitted a detailed response (April 24 Response) to the Western States Petroleum Association's (WSPA) petition. As delineated in the April 24 Response, the LA Water Board relied on substantial evidence in the record to conclude that (1) the Storm Water Quality Task Force best management practices (BMPs) are inadequate and (2) new and redeveloped retail gasoline outlets (RGOs) should be subject to standard urban storm water mitigation plan (SUSMP) treatment/infiltration BMP criteria.

In its June 17, 2002, RGO workshop notice, the State Board requested that comments should address two, competing regulatory approaches for controlling storm water from RGOs. Rather than reiterate the arguments already presented by the LA Water Board in its April 24 Response (enclosed), I direct your attention to the following components of the April 24 Response.

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- (1) *Post-construction BMPs, such as the Storm Water Quality Task Force BMPs are Inadequate.*

The LA Water Board has documented that post-construction source-control BMPs have been wholly inadequate and that RGOs continue to be a significant source of pollutants. Please see the discussion entitled “The Source Control BMPs in the Storm Water Quality Task Force Manual are Deficient” beginning on page 5 of April 24 Response and the administrative materials cited therein. That section sites the substantial evidence in the record relied upon by the LA Water Board to highlight the deficiencies in BMPs for RGOs. Included in that section is a reference to the Critical Sources Study performed by Los Angeles County Municipal Permittees to identify critical sources of storm water pollution in the MS4.

In addition, the LA Water Board relied upon additional evidence that RGOs continue to be hot spots for storm water pollution throughout the country. Please see the discussion entitled “RGOs Represent a Significant Potential Source of Pollutants to Receiving Waters” beginning on page 4 of April 24 Response.

Coupled together, the arguments and supporting evidence amply demonstrate why additional action is needed. Simply put, in order to implement the Clean Water Act’s “maximum extent practicable” (MEP) standard and applicable receiving water limitations, it was necessary for the LA Water Board to pursue more stringent requirements for RGOs. In many respects, this course of conduct was compelled by studies carried out by the Municipal Permittees demonstrating that storm water discharges from RGOs are a significant source of pollutants to the MS4.

- (2) *A Treatment/Infiltration Design Standard as Reflected in the LA MS4 Permit is Supported by Substantial Evidence and Will Improve the Quality of Municipal Storm Water Discharges Consistent with MEP.*

Since the State Board’s SUSMP Order (WQ Order 2000-11), the LA Water Board has given careful consideration to whether certain RGOs should be subject to SUSMP treatment/infiltration design standards. The LA Water Board has answered that question affirmatively in light of the record before it. The LA Water Board relied on several studies to document the need for treatment/infiltration design standards. Please see discussion entitled “The Permit Lawfully Establishes Numeric Mitigation and Threshold Criteria for New and Redeveloped Gas Stations with Proper Justification” and evidence cited therein beginning on page 3 of the April 24 Response. In considering whether to adopt a treatment/infiltration approach, the LA Water Board also considered the empirical

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effectiveness of such approaches in reducing storm water pollutant loading. Please see discussion entitled "Effective Treatment and Infiltration Type BMPs Have Been Implemented At RGOs Outside Of California Successfully For A Decade" and evidence cited therein beginning on page 6 of the April 24 Response. Substantial evidence supports the LA Water Board's decision to make certain RGOs subject to SUSMP requirements.

It is telling that the LA Water Board's approach to RGO storm water dischargers has not been challenged by Los Angeles City or County, the two municipalities most burdened by implementing RGO requirements, or most of the municipalities covered by the permit. The municipalities own Critical Source Study highlights the storm water problems with RGOs. More than simple source control post-construction BMPs are needed to address the recurring problems of RGOs' polluted storm water discharges. The LA Water Board has adopted a middle-ground approach that relies on SUSMP BMPs at RGOs that meet certain threshold requirements. In so doing, the LA Water Board has only required those RGOs that are likely to contribute the greatest pollutant loading to shift to a treatment/infiltration approach.

The LA Water Board looks forward to testifying at next week's workshop. If you have any questions or require additional information, please call me at (213) 576-6605.

Sincerely,
[Original Signed by Dennis Dickerson]

Dennis A. Dickerson
Executive Officer

Enclosure

cc: *cc's via electronic mail*

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